

**REMARKS**

**Description of amendments**

Claims 2, 7, 11, 12 and 14 are now pending and under examination. Applicant has amended claims 2, 7, and 12, and cancelled claims 3 and 13. No new matter has been added.

**Rejections under 35 U.S.C. §§102**

Claims 2, 3, 7, 11, 12, and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Shirai (U.S. Patent 6,139,117). The cancellation of claim 7 renders its rejection moot. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2, 3, 11, 12, and 14.

(1) The following is a table illustrating the operation of Shirai's operating force holding mechanism:

**Table 1**

Switch				
Drive Power Source	Parking Cancellation	Manual Type Target Operating Force Setting	Operating Force Holding Mechanism Operation	
ON	Inhibition	Done	Not Disclosed	S1
		Not Done	Not Disclosed	S2
	Cancellation	Done	Not Disclosed	S3
		Not Done	Not Disclosed	S4
OFF	Inhibition	Done	Operated Claim 3	S5
		Not Done	Maintained S1, S2, S3	S6
	Cancellation	Done	Canceled Claim 2	S7
		Not Done	Canceled S1, S2, S3	S8

(2) The following is a table illustrating the operation of Applicant's parking brake mechanism:

**Table 2**

Switch			Machine		Parking Brake Mechanism Operation	
Ignition	Parking Brake	Brake Pedal	Engine Rotating	Transmission Range		
ON	ON	ON	-	-	Not Disclosed	M1
		OFF	True	P or N	Not Disclosed	M2
				D or R	Canceled Claim 12	M3
		False		P or N	Not Disclosed	M4
				D or R	Not Disclosed	M5
	OFF	ON	-	-	Operated or Maintained Claims 2, 7	M6
		OFF	-	-	Maintained Claim 2	M7
OFF	ON	ON	-	-	Operated and Maintained Claims 2, 7	M8
		OFF	-	-	Maintained Claim 11	M9
	OFF	ON	-	-	Operated and Maintained Claims 2, 7	M10
		OFF	-	-	Maintained Claim 11	M11

(3) The differences between Applicant's invention and Shirai are summarized as follows (see, for example, M3 and M8 to Nil).

**(a) Operation of Parking Brake**

In Shirai the manual type target operation force setting device as shown in Fig. 4 is turned on clockwise to actuate the parking brake (see S5 in Table 1).

In Applicant's invention, the ignition switch is in an off- state to actuate the parking brake (see, for example, M8, M9, M10 and M11 in Table 2).

Applicant's invention differs from Shirai in that the parking brake is actuated irrespectively of on/off state of the parking brake switch (see S7 in Table 1 vs. M10 in Table 2, and S8 in Table 1 vs. M11 in Table 2).

**(b) Cancellation of Parking Brake**

In Shirai, the cancellation is basically performed with the parking being cancelled (see S7 and S8 in Table 1). In Applicant's invention, the cancellation is

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performed (a) when the engine is rotating more than a predetermined number of rotations, and (b) the ignition switch is turned on with the parking brake being turned on. Applicant's invention is clearly different from Shirai in this respect.

(c) Technical Advantage

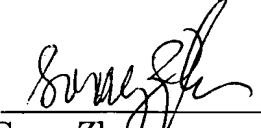
As described in the specification from page 11, line 27 to page 12, line 9, a vehicle is able to stop with no move with the braking force being maintained at parking on a slope.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056203.52940US).

Respectfully submitted,

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